To date, ATXI has been unsuccessful in obtaining an easement from Mr. James L. Fribley and James W. Fribley. The Fribleys own two parcels, together totaling approximately 76 acres along the Pana to Mt. Zion segment of the Project in Christian County, Illinois. The property at issue has been designated internally as A\_ILRP\_PZ\_CH\_123\_ROW and A\_ILRP\_PZ\_CH\_127\_ROW. As summarized on ATXI Exhibit 2.1, as of January 12, 2015, ATXI has contacted, or attempted to contact, Mr. James L. Fribley or his son, James W. Fribley, on approximately 48 occasions, including 35 emails, 4 letters, 6 phone calls and 3 voicemails. Mr. Fribley's son, James W. Fribley, is a part-owner of the property, and a lawyer, and has been assisting his father in negotiations with ATXI.

A CLS land agent initiated contact with Mr. Fribley in late June 2014, and Mr. Fribley asked the agent to send all documents to his son. The agent communicated with James W. Fribley by email in late June and early July, answering questions about the general purpose and use of the easement. On July 21<sup>st</sup>, the agent spoke with James W. Fribley by phone. Mr. Fribley informed the agent that the crop yields on the property were higher than those reflected on the calculation sheet, and that the per-acre price for the land subject to the easement was too low. The agent requested documentation of the actual yields, and informed Mr. Fribley that ATXI would consider sales of comparable properties or a new appraisal in negotiating the per-acre price. Mr. Fribley also expressed concern regarding unauthorized use of land outside the easement area. In response to this concern, the agent discussed the AIMA.

The agent reached out to James W. Fribley several times over the next month, and the two scheduled a phone call on August 30<sup>th</sup>. During that phone call, Mr. Fribley asked that the AIMA become part of the easement agreement, and informed the agent that the Fribleys intended to get an appraisal of their property. ATXI responded with a confidential settlement agreement

that addressed Mr. Fribley's concerns.

In October of 2014, Mr. Fribley requested that the agent stake the pole location on his property, which ATXI did. ATXI has continued to follow-up with Mr. Fribley by requesting the promised appraisal and crop receipts, and by providing pole structure information. Recent attempts by the land agent to schedule a meeting to discuss any remaining issues have not been successful, and ATXI has not received the Fribley's appraisal or any information regarding comparable sales.

Despite the extensive negotiations, which included 48 contacts over sever months with these landowners, the parties have not been able to reach agreement. ATXI will continue to negotiate with the Fribleys, but given the extended nature of these negotiations, a voluntary agreement in the time frame supportive of this line segment's in-service date is not expected.

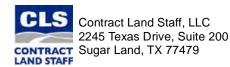
# **Christian County, IL**

**Christian County, Illinois** 

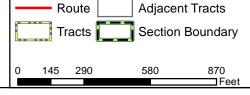
Tax ID: 01-20-24-300-001-00



# Ameren - Illinois Rivers



For discussion purposes only. All measurements and distances are approximations and pend final survey and engineering.



James L. Fribley

Tract No.:A\_ILRP\_PZ\_CH\_123

Date: 7/25/2014

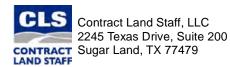
# **Christian County, IL**

**Christian County, Illinois** 

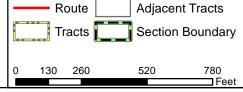
Tax ID: 01-20-24-100-001-00



# Ameren - Illinois Rivers



For discussion purposes only. All measurements and distances are approximations and pend final survey and engineering.



James L. Fribley

Tract No.:A\_ILRP\_PZ\_CH\_127

Date: 7/25/2014

### **Agent Checklist with Landowner**

1. the 1	ne 14 day letter was sent				
2.	Initial appointment set for				
3.	Activity Note entered regarding Initial Meeting, including specifics regarding landowner concerns, if any, and details of meeting				
4.	Prepare and review Acquisition documents and maps	638			
5.	meeting				
6.					
7.	Provide/explain the purpose of the project	<b>R</b> R			
8.	Discuss routing and how it affects landowner:  a. Provide Fact Sheet about the project  b. Provide landowner copies of:  i. Small scale map of the project  ii. Sketch and description of type of facilities/structures  iii. Approximate location of facilities  iv. Option for Easement including exhibit showing length and width of the easement area  v. Memorandum of Option Exhibit B	<b>2</b> 3			
9.	Make compensation offer, provide calculation sheet and explain basis of offer	BB			
10.	Discuss subordination of mortgage, if applicable				
11.	Complete Construction Questionnaire, including name of tenant, if applicable				
12.	Provide EMF brochure, if requested				
13. appro	Enter initial offers and counter-offers if any, into CLS Viewer. Contact tenant, as opriate; complete tenant consent form if applicable	<b>B</b> S			
14.	Agent Name (Print and Sign) Bill Black more				

AMEREN TRANSMISSION ILLINOIS RIVERS PROJECT PANA TO MT. ZION 345 KV TRANSMISSION LINE ATXI Exhibit 2.3 Page 6-01 10-PZ\_CH\_123 Page 6-01 10-PZ\_CH\_123 Page 6-01 10-PZ\_CH\_123 Page 1 of 5

#### EXHIBIT "A"

#### TRACT 1

A 0.619 ACRE TRACT OF LAND SITUATED IN THE SOUTHWEST 1/4 OF SECTION 24, TOWNSHIP 12 NORTH, RANGE 1 EAST OF THE 3RD PRINCIPAL MERIDIAN, CHRISTIAN COUNTY, ILLINOIS AND BEING PART OF A TRACT OF LAND DESCRIBED AS TRACT II IN DEED TO JAMES L. FRIBLEY, RECORDED IN DOCUMENT NO. 2005R06179 OF THE DEED RECORDS OF CHRISTIAN COUNTY, ILLINOIS (D.R.C.C.I.) AND DESCRIBED AS PARCEL II IN DEED TO JAMES L. FRIBLEY, RECORDED IN DOCUMENT NO. 2011R04610, D.R.C.C.I. AND DESCRIBED AS TRACT 2 IN LAST WILL AND TESTAMENT TO JAMES L. FRIBLEY, AS TO A LIFE ESTATE AND REMAINDER INTEREST TO JAMES W. FRIBLEY, RECORDED IN CAUSE NO. 07-P-19 OF THE COURT RECORDS OF CHRISTIAN, COUNTY ILLINOIS AND DESCRIBED AS TRACT 1 IN DEED TO JAMES W. FRIBLEY, RECORDED IN DOCUMENT NO. 2013R02690, D.R.C.C.I. AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 51 (VARIABLE WIDTH RIGHT-OF-WAY) AND THE COMMON LINE OF SAID TRACT II AND A TRACT OF LAND DESCRIBED IN DEED TO GRACE FRIBLEY TRUST, RECORDED IN DOCUMENT NO. 2002R05451, D.R.C.C.I. AND IN DEED TO BEN FRIBLEY, SUCCESSOR TRUSTEE AS REFERENCED IN DOCUMENT NO. 2012R04415, D.R.C.C.I., FROM WHICH A 1/2-IRON ROD FOUND IN SAID SOUTHEASTERLY RIGHT-OF-WAY LINE AT A SOUTHWESTERLY INTERIOR ELL CORNER OF SAID GRACE FRIBLEY TRACT BEARS NORTH 03 DEGREES 18 MINUTES 29 SECONDS EAST, A DISTANCE OF 18.79 FEET, SAID POINT OF BEGINNING HAVING GRID COORDINATES OF N:1019928.66, E:783699.53;

THENCE NORTH 47 DEGREES 14 MINUTES 23 SECONDS EAST, ALONG SAID COMMON LINE, A DISTANCE OF 68.85 FEET TO A POINT FOR CORNER;

THENCE NORTH 56 DEGREES 16 MINUTES 06 SECONDS EAST, CONTINUING ALONG SAID COMMON LINE, A DISTANCE OF 55.33 FEET TO A POINT FOR CORNER;

THENCE SOUTH 01 DEGREES 40 MINUTES 13 SECONDS WEST, LEAVING SAID COMMON LINE, A DISTANCE OF 314.05 FEET TO A POINT FOR CORNER IN SAID SOUTHEASTERLY RIGHT-OF-WAY LINE, FROM WHICH A PK NAIL FOUND AT THE SOUTHEAST CORNER OF SAID SOUTHWEST 1/4 BEARS SOUTH 88 DEGREES 17 MINUTES 20 SECOND EAST, A DISTANCE OF 2,382.09 FEET;

THENCE NORTH 88 DEGREES 58 MINUTES 12 SECONDS WEST, ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 100.99 FEET TO THE SOUTHWEST CORNER OF SAID TRACT II;

THENCE NORTH 03 DEGREES 18 MINUTES 29 SECONDS EAST, CONTINUING ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 235.02 FEET TO THE POINT OF BEGINNING AND CONTAINING 26,959 SQUARE FEET OR 0.619 OF AN ACRE OF LAND, MORE OR LESS.

BEARING BASIS: ALL BEARINGS AND COORDINATES SHOWN HEREON ARE BASED ON THE ILLINOIS STATE PLANE COORDINATE SYSTEM, MICHAEL W.
GERBERICK
035-002683
FREEPORT, ILLINOIS NAD 83(2011), EAST ZONE. ALL DISTANCES SHOWN HEREON ARE SURFACE DISTANCES.

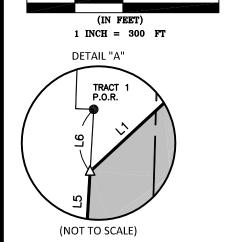
MICHAEL W. GERBERICK

PROFESSIONAL LAND SURVEYOR REGISTRATION NO. 035-002683

STATE OF ILLINOIS PROFESSIONAL

DESIGN FIRM LICENSE NO. 184.006475

DATE: 10/24/2014



GRAPHIC SCALE

300

600

150

LINE TABLE			
NUMBER	BEARING	DISTANCE	
L1	N47°14'23"E	68.85'	
L2	N56*16'06"E	55.33'	
L3	S01°40'13"W	314.05'	
L4	N88*58'12"W	100.99'	
L5	N03°18'29"E	235.02'	
L6	N03°18'29"E	18.79'	
L7	S01°24'10"W	461.62'	
L8	S00°45'54"W	687.85	
L9	S78°26'18"W	59.47'	
L10	S82°34'45"W	25.34'	
L11	N00°16'04"E	1.82'	
L12	N01°02'08"E	1134.05'	
L13	N70°57'21"E	88.20'	

### \_WAY\_ GRACE FRIBLEY TRUST DOCUMENT NO. 2002R05451 D.R.C.C.I. BEN FRIBLEY, SUCCESSOR TRUSTEE AS REFERENCED IN: Ú, DOCUMENT NO. 2012R04415 D.R.C.C.I. A\_ILRP\_PZ\_CH\_125 WIDTH RIGHT HIGHWAY SECTION 24 SECTION 12N TOWNSHIP 1E RANGE 1E $\overline{S}$ VARIABLE TRACT II JAMES L. FRIBLEY DOCUMENT NO. 2005R06179 D.R.C.C.I. AND PARCEL II JAMES L. FRIBLEY DOCUMENT NO. 2011R04610 D.R.C.C.I. SEE DETAIL "A" TRACT-1 P.O.B. GRID COORDINATES JAND AND TRACT 2 JAMES L. FRIBLEY, AS TO A LIFE ESTATE AND REMAINDER INTEREST TO JAMES W. FRIBLEY CAUSE NO. 07-P-19 N:1019928.66 E:783699.53 TRACT 1 PROPOSED VARIABLE WIDTH EASEMENT C.R.C.C.I. SECTION 0.619 ACRES AND TRACT 1 JAMES W. FRIBLEY DOCUMENT NO. 2013R02690 12 (26,959 S.F.) D.R.C.C.I. A\_ILRP\_PZ\_CH\_123 23 24 26 25 SECTION LINE 800 N ROAD S88'17'20"E 2382.09' P.O.R.-TRACT 1 PK NAIL FOUND SE COR SW 1/4 SEC 24 NH.

EXHIBIT "A"

TRACT 1

### LEGEND

11 12

C.R.C.C.I. **COURT RECORDS** 

CHRISTIAN COUNTY, ILLINOIS

**DEED RECORDS** D.R.C.C.I. CHRISTIAN COUNTY, ILLINOIS

P.O.B. POINT OF BEGINNING

P.O.R. POINT OF REFERENCE

1/2" IRON ROD FOUND Δ CALCULATED POINT

2 | 1 TYPICAL SECTION CORNER

SECTION LINE

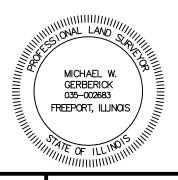
SUBJECT PROPERTY LINE

PROPERTY LINE

PROPOSED EASEMENT CENTERLINE

SECTION

PROPOSED EASEMENT





ATXI Exhibit 2.3

Part A

**Page 7 of 10** 

LICENSE NO. 184.006475 - STATE OF ILLINOIS

#### **NOTES:**

- THIS EXHIBIT DOES NOT REFLECT ANY UNDERGROUND UTILITIES, EASEMENT OF RECORD OR OTHER ENCUMBRANCES THAT MAY AFFECT THE SUBJECT TRACT.
- REFERENCE IS MADE TO THE DESCRIPTION DATE ACCOMPANYING **FVFN** THIS SKETCH.

**SHEET 02 OF 05** 

PROJECT: ILLINOIS RIVERS JOB NUMBER: 32359

DATE: 10/24/2014 SCALE: 1"=300' TRACT ID: A\_ILRP\_PZ\_CH\_123 TRANSMISSION DRAWN BY: LCA



826 Cheshire Court #1, Freeport, IL 61032 Ph: (214) 631-7888 Fax: (214) 631-7103 EMAIL: SAM@SAM.BIZ

#### 150' TRANSMISSION LINE EASEMENT

PANA TO MT. ZION

SECTION 24, TOWNSHIP 12 NORTH, RANGE 1 EAST OF THE 3RD PRINCIPAL MERIDIAN CHRISTIAN COUNTY, ILLINOIS

AMEREN TRANSMISSION ILLINOIS RIVERS PROJECT PANA TO MT. ZION 345 KV TRANSMISSION LINE ATXI Exhibit 2.3

Part A
A ILRP\_PZ\_CH\_123

Page 8 30 10 No. 32359

Page 3 of 5

#### EXHIBIT "A"

#### TRACT 2

A 2.138 ACRE TRACT OF LAND SITUATED IN THE NORTHWEST 1/4 OF SECTION 24, TOWNSHIP 12 NORTH, RANGE 1 EAST OF THE 3RD PRINCIPAL MERIDIAN, CHRISTIAN COUNTY, ILLINOIS AND BEING PART OF A TRACT OF LAND DESCRIBED AS TRACT I IN DEED TO JAMES L. FRIBLEY, RECORDED IN DOCUMENT NO. 2005R06179 OF THE DEED RECORDS OF CHRISTIAN COUNTY, ILLINOIS (D.R.C.C.I.) AND DESCRIBED AS PARCEL I IN DEED TO JAMES L. FRIBLEY, RECORDED IN DOCUMENT NO. 2011R04610, D.R.C.C.I. AND DESCRIBED AS TRACT 1 IN LAST WILL AND TESTAMENT TO JAMES L. FRIBLEY, AS TO A LIFE ESTATE AND REMAINDER INTEREST TO JAMES W. FRIBLEY, RECORDED IN CAUSE NO. 07-P-19 OF THE COURT RECORDS OF CHRISTIAN COUNTY, ILLINOIS AND DESCRIBED AS TRACT 2 IN DEED TO JAMES W. FRIBLEY, RECORDED IN DOCUMENT NO. 2013R02690, D.R.C.C.I. AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT A POINT IN THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 51 (VARIABLE WIDTH RIGHT-OF-WAY), FROM WHICH A 1/2-INCH IRON ROD WITH A YELLOW CAP FOUND AT THE NORTHEAST CORNER OF SAID NORTHWEST 1/4 BEARS NORTH 89 DEGREES 09 MINUTES 46 SECONDS EAST, A DISTANCE OF 2400.28 FEET, SAID POINT OF BEGINNING HAVING GRID COORDINATES OF N:1024936.06, E:783909.25;

**THENCE** SOUTH 01 DEGREES 24 MINUTES 10 SECONDS WEST, LEAVING SAID SOUTHEASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 461.62 FEET TO A POINT FOR CORNER;

THENCE SOUTH 00 DEGREES 45 MINUTES 54 SECONDS WEST, A DISTANCE OF 687.85 FEET TO A POINT FOR CORNER IN THE COMMON LINE OF SAID TRACT 1 AND A TRACT OF LAND DESCRIBED IN DEED TO GRACE FRIBLEY TRUST, RECORDED IN DOCUMENT NO. 2002R05451, D.R.C.C.I. AND IN DEED TO BEN FRIBLEY, SUCCESSOR TRUSTEE, AS REFERENCED IN DOCUMENT NO. 2012R04415, D.R.C.C.I., FROM WHICH A 1/2-INCH IRON ROD WITH A YELLOW CAP STAMPED "IDOT DISTRICT #6 FOUND AT THE EAST 1/4 CORNER OF SAID SECTION 24 BEARS SOUTH 73 DEGREES 03 MINUTES 35 SECONDS EAST, A DISTANCE OF 5,241.52 FEET;

**THENCE** SOUTH 78 DEGREES 26 MINUTES 18 SECONDS WEST, ALONG SAID COMMON LINE, A DISTANCE OF 59.47 FEET TO A POINT FOR CORNER;

**THENCE** SOUTH 82 DEGREES 34 MINUTES 45 SECONDS WEST, CONTINUING ALONG SAID COMMON LINE, A DISTANCE OF 25.34 FEET TO SAID SOUTHEASTERLY RIGHT-OF-WAY LINE;

**THENCE** NORTHEASTERLY, ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE, THE FOLLOWING THREE (3) COURSES AND DISTANCES:

NORTH 00 DEGREES 16 MINUTES 04 SECONDS EAST, A DISTANCE OF 1.82 FEET TO A POINT FOR CORNER;

NORTH 01 DEGREES 02 MINUTES 08 SECONDS EAST, A DISTANCE OF 1,134.05 FEET TO A POINT FOR CORNER;

AMEREN TRANSMISSION ILLINOIS RIVERS PROJECT PANA TO MT. ZION 345 KV TRANSMISSION LINE ATXI Exhibit 2.3

Part A
A ILRP\_PZ\_CH\_123

Page 9 SAM Job No. 32359

Page 4 of 5

### EXHIBIT "A"

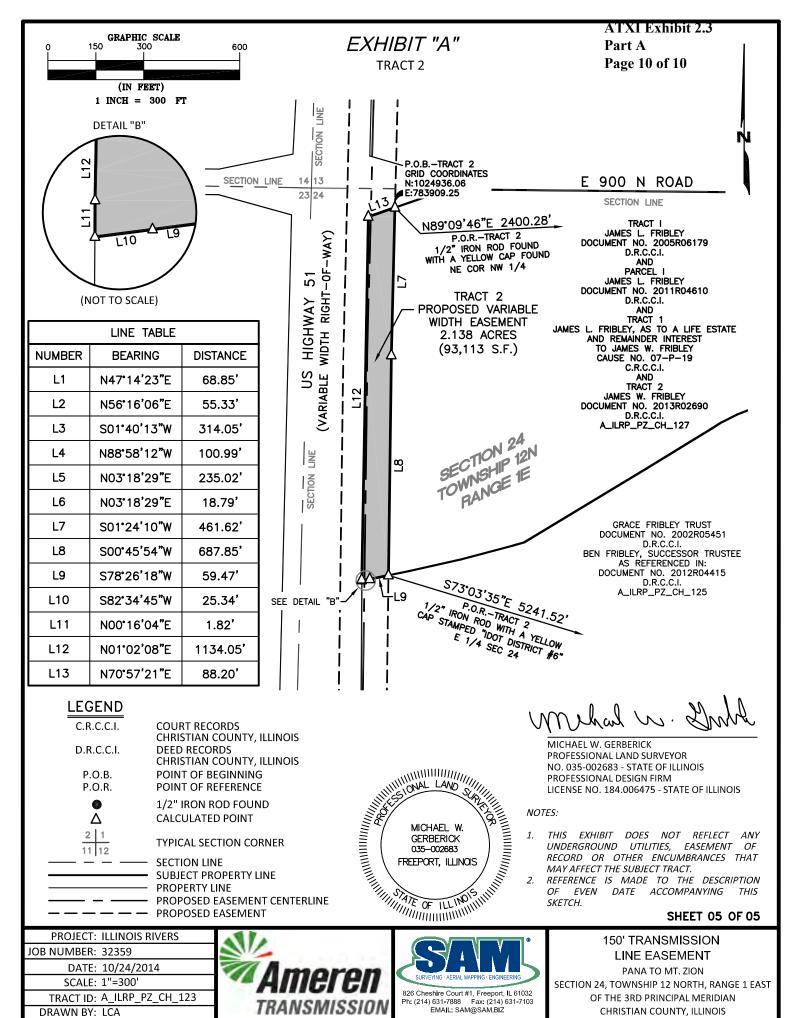
NORTH 70 DEGREES 57 MINUTES 21 SECONDS EAST, A DISTANCE OF 88.20 FEET TO THE **POINT OF BEGINNING** AND CONTAINING 93,113 SQUARE FEET OR 2.138 ACRES OF LAND, MORE OR LESS.

BEARING BASIS: ALL BEARINGS AND COORDINATES SHOWN HEREON ARE BASED ON THE ILLINOIS STATE PLANE COORDINATE SYSTEM, NAD 83(2011), EAST ZONE. ALL DISTANCES SHOWN HEREON ARE SURFACE DISTANCES.

MICHAEL W. GERBERICK PROFESSIONAL LAND SURVEYOR REGISTRATION NO. 035-002683 STATE OF ILLINOIS PROFESSIONAL DESIGN FIRM LICENSE NO. 184.006475

DATE: 10/24/2014





FN: D\_2709 A\_ILRP\_PZ\_CH\_123.DWG